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10/802,658	03/17/2004	Leo Martin Baschy	UIDAC-U-1	2674

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EXAMINER	
PHAM, LINH K	

ART UNIT	PAPER NUMBER
2174	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto.cor.2002@nrvr.com

Office Action Summary	Application No.	Applicant(s)	
	10/802,658	BASCHY, LEO MARTIN	
	Examiner	Art Unit	
	LINH K. PHAM	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 June 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,28-34 and 36-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,28-34 and 36-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/10/2009*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to the Amendment filed on 06/21/2010.

2. In the Instant Amendment, Claims 13-27 and 35 were previously canceled; Claims 1 and 10 are independent claims. Claims 1-12, 28-34, and 36-43 have been examined and are pending in this application. **This Action is made FINAL**.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 1-12, 28-34, and 36-43 are rejected under 35 U.S.C. 101** because the claims are directed to non-statutory subject matter.

Regarding claims 1 and 10; the claims call for *"A visual display unit;"* however, there is no hardware component/element found within the bodies of the claims. The body of the claim 1 recites *"one or more display region for graphical representation;"* and the body of claim 10 recites *"the identity of the individual user," "a differing visual element for indicating," "representation of the time,"* and *"indication;"* In light of the specification *(paragraphs [0029] and [0033]-[0041])*, the aforementioned components/features are implemented in software, which are non-statutory subject matter. Therefore, the claims are directed to non-statutory subject matter. The mere recitation of the machine in the preamble with an absence of a machine in the body of the claim fails to

make the claim statutory under 35 USC 101. (See ***In re Bilski,*** Appeal No. 2007-1130; ***Diamond v. Diehr***, 450 U.S. 175, 184 (1981); ***Parker v. Flook***, 473 U.S. 584, 588 n.9 (1978); ***Gottschalk v. Benson,*** 409 U.S. 63, 70 (1972); ***Cochrane v. Deener,*** 94 U.S. 780, 787-88 (1976)). The Examiner respectfully suggests that the claims be further amended to recite at least one hardware element within the body of the claim to make the claim statutory under 35 U.S.C. 101.

Regarding claims 2-9, 11-12, 28-34, and 36-43, claims 2-9, 11-12, 28-34, and 36-43 are also rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter for the same reasons as stated above.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 10-12, 28-32, and 40-42 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- **Regarding claim 10**; the preamble of the claim recites *"[a] visual display unit,"* the body of the claim does not positively recites any hardware components/elements of the visual display unit. The body of the claim recites *"the identity of the individual user," "a differing visual element for indicating," "representation of the time,"* and *"indication,"*

which are items/features on a graphical user interface of a software application. It's unclear as to how a visual display unit can be formed without any elements of hardware.

- **Regarding claims 11-12, 28-32, and 40-42**; claims 11-12, 28-32, and 40-42 are dependent on claim 10, and therefore inherit the 35 U.S.C 112, second paragraph issues of the independent claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-2, 4, 7-8, and 33 are rejected under 35 U.S.C. 102(b)** as being anticipated by Barkley et al., ("Barkley," U.S. 6,202,066), issued on March 13, 2001.

- **Regarding claim 1**, Barkley discloses a visual display unit which displays a graphical user interface for representing and facilitating user manipulation of persistent yet revocable access control settings for a specific predetermined resource *(col. 8, lines 44-55; Figs. 2-5)* comprising:

one or more display regions for graphical representations of all access control settings for the resource *(col. 10, lines 56-67; Figs. 2-5; Read, Write, Execute, and Delete permissions check-boxes are displayed on the Role/Group Permission View window)*,

wherein the graphical representations result from transformations applied to the structured data which defines the access control settings for the resource *(col. 10, lines 56-67 and col. 13, lines 19-60; Figs. 2, 4, and 5; as displayed on fig. 5, financial advisor user has read permission on file 'ko.acc' and does not have write, execute, and delete permission on the 'ko.acc' file)*; and

one or more display regions *for* normal size, legibly scaled, unabridged representation of the content of the resource *(col. 8, lines 44-65; col. 13, lines 19-60; Figs. 2, 4, and 5; file name and file path are displayed on Role/Group Permission view)*;

wherein the set of display regions for representations of the access control settings and the display region for representation of the content of the resource are concurrently visible, are *concurrently* operable, and appear to the operator as in an integrated graphical user interface *(col. 12, lines 50-67 to col. 13, lines 1-11; col. 13, lines 19-61; Figs. 2, 4, and 5; as displayed on fig. 5, financial advisor user has read permission on file ko.acc and does not have write, execute, and delete permission on the 'ko.acc' file)*; and wherein the resource is a digital document *(Fig. 5; file 'ko.acc')*.

Regarding claim 2, Barkley discloses the visual display unit graphical user interface of claim 1, wherein one or more functions modify the spatial layout of the display regions for representations of the access control settings *(col. 10, lines 56-67; col. 13, lines 19-60; Figs. 2, 4, and 5; Read, Write, Execute, and Delete permissions check-boxes)*.

- **Regarding claim 4**, Barkley discloses the visual display unit graphical user interface of claim 1, wherein one or more functions modify the transformations that are

applied to the structured data *(col. 6, lines 8-12; col. 8, lines 56-65; col. 9, lines 48-60; Figs. 3 and 5; hierarchy checkbox)*.

- **Regarding claim 7**, Barkley discloses the visual display unit graphical user interface of claim 1, wherein the set of display regions further comprises:

a display region for a graphical representation of the set of groups, users and roles defined by *existing* structured data for the resource and their respective access privileges *(col. 9, lines 8-47; col. 10, lines 56-67; col. 13, lines 19-60; Figs. 2, 4, and 5; role/group panel)*; and

a display *region* for a graphical representation of the result of transforming the set of groups, users and roles and their respective access privileges into a corresponding set of individual users and their respective effective access privileges *(col. 9, lines 8-47; col. 10, lines 56-6; col. 11, lines 1-56; col. 13, lines 19-60; Figs. 2, 4, and 5; role/group permission hierarchy)*.

- **Regarding claim 8**, Barkley discloses the visual display unit graphical user interface of claim 1, further comprising a first display region for a graphical representation of at least one set of known users and groups, wherein the operator can designate indicia for known users and groups and visually associate the designated indicia with a second display region to change the structured data which defines the access control settings for the resource *(col. 9, lines 8-47; col. 10, lines 56-6; col. 11, lines 1-56; col. 13, lines 19-60; Figs. 2, 4, and 5; role/group permission hierarchy)*.

- **Regarding claim 33**, Barkley teaches the graphical user interface of claim 8, wherein the set further comprising access control settings macros and the operator can designate indicia for macros and visually associate the designated indicia with the second display region to change the structured data which defines the access control settings for the resource *(col. 10, lines 5-45; Figs. 4-5; hierarchy mode option; Role/Group Permission can be obtained through operation of a hierarchy, i.e., where one role automatically inherits the permissions of another).*

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. **Claim 3 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Barkley, as applied to claim 1 above, in view of Gottsacker et al., ("Gottsacker," US 2004/0135805).

- **Regarding claim 3**, Barkley discloses the visual display unit graphical user interface of claim 1.

Barkley does not explicitly disclose one or more functions modify the number of the display regions for representations of the access control settings.

However, in an analogous art, Gottsacker discloses a document composition system, wherein one or more functions modify the number of the display regions for representations of the access control settings *(Gottsacker: par. 0016; system administrators are able to customize the appearance of the GUI)*.

Therefore, it would have been obvious to an artisan at the time invention were made to combine the teachings of Gottsacker with the method of Barkley to provide users with a mean for allowing system administrator to customize the appearance of the GUI *(Gottsacker: par. 0016)*.

11. **Claims 5, 34, 36, and 38 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Barkley, as applied to claim 1 above, in view of Lee et al., ("Lee," US 2004/0117194).

- **Regarding claim 5**, Barkley discloses the visual display unit graphical user interface of claim 1.

Barkley does not explicitly disclose a user is graphically represented by a display element comprising, at least in part, a likeness of the user.

However, in an analogous art, Lee discloses a network conferencing system, wherein a user is graphically represented by a display element comprising, at least in part, a likeness of the user *(par. 0017; Figs. 4A, 12, 14, and 18; attendance icons)*.

Therefore, it would have been obvious to an artisan at the time invention were made to combine the teachings of Lee with the method of Barkley to provide users with a mean for displaying attendance icon within a network conference *(Lee: par. 0017)*.

- **Regarding claim 34**, claim 34 is similar in scope to claim 5, and is therefore rejected under similar rationale.

- **Regarding claim 36**, claim 36 is similar in scope to claim 5, and is therefore rejected under similar rationale.

- **Regarding claim 38**, claim 38 is similar in scope to claim 5, and is therefore rejected under similar rationale.

12. **Claims 6, 37, and 39 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Barkley and Lee, as applied to claims 1, 36, 38 above, in view of Steinberg, (US 2002/0141639).

- **Regarding claim 6**, Barkley teaches the visual display unit of claim 5, but not explicitly disclose adjusting image color saturation toward a predetermined target saturation level; converting to grayscale; adjusting image brightness toward a predetermined target brightness level; adjusting image contrast toward a predetermined target contrast level; adjusting image sharpness toward a predetermined target sharpness level; and masking with a shape selected from a set comprising ovals and outlines of a bust.

However, Steinberg teaches a method for automated image correction for digital image acquisition wherein adjusting image color saturation toward a predetermined target saturation level *(Steinberg: par. 0004; pars. 0015-0016)*;

converting to grayscale *(Steinberg: par. 0011)*;

adjusting image brightness toward a predetermined target brightness level *(Steinberg: pars. 0012-0014)*;

adjusting image contrast toward a predetermined target contrast level *(Steinberg: pars. 0012-0014)*;

adjusting image sharpness toward a predetermined target sharpness level *(Steinberg: par. 0031)*; and

masking with a shape selected from a set comprising ovals and outlines of a bust *(Steinberg: par. 0031)*.

Therefore, it would have been obvious to an artisan at the time invention were made to combine the teachings of Steinberg with the method of Barkley and * in order to provide automated color correction for differenced between the reference colors in a color chart and adjust for brightness and optimum contrast *(Steinberg: par. 0014)*.

- **Regarding claim 37**, Barkley teaches the visual display unit of claim 36, but does not explicitly disclose the likeness comprises, at least in part, a digital photograph, processed by a method including at least one step selected from the set of: adjusting image color saturation toward a predetermined target saturation level; converting to grayscale; adjusting image brightness toward a predetermined target brightness level; adjusting image contrast toward a predetermined target contrast level; adjusting image sharpness toward a predetermined target sharpness level; and masking with a shape selected from a set comprising ovals and outlines of a bust.

However, Steinberg teaches a method for automated image correction for digital image acquisition wherein the likeness comprises, at least in part, a digital photograph *(Steinberg: par. 0001; method for transforming the colors in a digital image to a color corrected digital image)*, processed by a method including at least one step selected from the set of:

adjusting image color saturation toward a predetermined target saturation level *(Steinberg: par. 0004; pars. 0015-0016)*;

converting to grayscale *(Steinberg: par. 0011)*;

adjusting image brightness toward a predetermined target brightness level *(Steinberg: pars. 0012-0014)*;

adjusting image contrast toward a predetermined target contrast level *(Steinberg: pars. 0012-0014)*;

adjusting image sharpness toward a predetermined target sharpness level *(Steinberg: par. 0031)* and

masking with a shape selected from a set comprising ovals and outlines of a bust *(Steinberg: par. 0044)*.

Therefore, it would have been obvious to an artisan at the time invention were made to combine the teachings of Steinberg with the method of Barkley in order to provide automated color correction for differenced between the reference colors in a color chart and adjust for brightness and optimum contrast *(Steinberg: par. 0014)*.

- **Regarding claim 39**, claim 39 is similar in scope to claim 37, and is therefor rejected under similar rationale.

13. **Claims 9 and 43 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Barkley as applied to claim 1 above, in view of Bhetanabhotla et al., ("Bhetanabhotla," US 2002/0167538).

- **Regarding claim 9**, Barkley teaches the graphical user interface of claim 8, but does not explicitly disclose the first display region is reduced in size until activated by the user, and the first display region is increased in size upon activation.

However, Bhetanabhotla teaches a method comprising flexible organization of information using multiple hierarchical categories *(Bhetanabhotla: pars. 0106-0109; Fig. 1; categories 110 contains the category hierarchies used for categorization of the information items are displayed)* wherein the first display region is reduced in size until activated by the user, and the first display region is increased in size upon activation *(Bhetanabhotla: par. 0066; Fig. 1; the information item is displayed on the area content 130)*.

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Bhetanabhotla with the method of Barkley in order to provide users with a means to share information right from out of one's computer system while enforcing permissions and monitoring activities *(Bhetanabhotla: par. 0031)*.

- **Regarding claim 43**, Barkley teaches the graphical user interface of claim 38, but does not explicitly disclose the first display region is reduced in size until activated by the user, and the first display region is increased in size upon activation.

However, Bhetanabhotla teaches a method comprising flexible organization of information using multiple hierarchical categories *(Bhetanabhotla: pars. 0106-0109; Fig. 1; categories 110 contains the category hierarchies used for categorization of the information items are displayed)* wherein the first display region is reduced in size until activated by the user, and the first display region is increased in size upon activation *(Bhetanabhotla: par. 0066; Fig. 1; the information item is displayed on the area content 130)*.

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Bhetanabhotla with the method of Barkley in order to provide users with a means to share information right from out of one's computer system while enforcing permissions and monitoring activities *(Bhetanabhotla: par. 0031)*.

14. **Claims 10-12, 28-32, 40, and 42 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Hildebrand et al., ("Hildebrand," US 2004/0103202) in view of Sekiguchi, (US 6,711,687), and further in view of Hayes Jr., ("Hayes," US 6,205,476).

- **Regarding claim 10**, Hildebrand teaches a graphical user interface for representing access log information and access control settings for a single specific predetermined resource, wherein at least one display region contains a graphical representation of a set comprising one or more individual users, and wherein each of the individual users is graphically represented by a visual element *(pars. 0108-0109; Fig. 2D; AmdGrp GUI 275)* which comprises:

the identity of the individual user having read privilege for the resource *(par. 0102; Figs. 2C.1 and 2D; user A has read permission to the document; see also par. 0135 and Fig. 5B.1)*; and

a differing visual element for indicating if the user has write privilege for the resource *(pars. 0108-0109 and 0138; Figs. 2D and 5B.1; users can be assigned to different access privileges; such as user A may be an executive or a branch supervisor who has all the access privileges to any secured documents, user B has limited access privileges while everyone in user group C shares the same access privileges)*; and one or more of the following visual elements *(pars. 0102 and 0108-0109; Figs. 2C.1 and 2D; user D has read and write permissions to the document; see also par. 0135 and Fig. 5B.1)*:

Hildebrand teaches all limitations as recited above, but does not disclose representation of the time of the most recent read access by the user to the resource; representation of the time of the most recent write access by the user to the resource; indication whether the most recent write access by the user to the resource is the most recent write access by any user to the resource; indication whether the most recent read access by the user to the resource has been before the most recent write access by any user to the resource; indication whether the most recent read access by the user to the resource has been since the most recent write access by any user to the resource; and indication whether the user currently is without read privilege for the resource; and

However, Sekiguchi teaches a security monitoring apparatus based on access log wherein representation of the time of the most recent read access by the user to the

resource *(Sekiguchi: col. 5, lines 14-55; the security management unit 112 executes statistical process of the access log 201 to obtain security management information 203 which includes the most recent access to the document; Figs. 3-5 and 7-10)*;

representation of the time of the most recent write access by the user to the resource *(Sekiguchi: col. 5, lines 14-55; Figs. 3-5 and 7-10)*;

indication whether the most recent write access by the user to the resource is the most recent write access by any user to the resource *(Sekiguchi: col. 5, lines 14-55; Figs. 3-5 and 7-10)*;

indication whether the most recent read access by the user to the resource has been before the most recent write access by any user to the resource; indication whether the most recent read access by the user to the resource has been since the most recent write access by any user to the resource *(Sekiguchi: col. 5, lines 14-55; Figs. 3-5 and 7-10)*; and

indication whether the user currently is without read privilege for the resource *(Sekiguchi: col. 4, lines 6-19 to col. 5, lines 14-55)*; and wherein the resource is a digital document *(Sekiguchi: Figs. 3-5 and 7-10; Text file and Execute files are known as a digital document)*.

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Sekiguchi with the method of Hildebrand in order to provide a security monitoring system that performs more powerful maintenance and management of security *(Sekiguchi: col. 2, lines 6-12)*.

Sekiguchi and Hildebrand teach all limitations as recited above, but do not explicitly disclose the resource is a digital document.

However, Hayes teaches a system with a network interconnecting a server and a plurality of user stations wherein the resource is a digital document *(Hayes: col. 3, lines 38-45; uses a unique identifier to access the file; which is known as a digital document, from the server; Figs. 13-22; showing one or more display regions; such as a content of resource is displayed on the left panel)*.

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Hayes with the graphical user interface of Sekiguchi and Hildebrand in order to provide users with means for allowing an administrator to configure a user application by running the application directly in the context of a user or user group, rather than in the context of the administrator and allowing administrators to configure an end user application directly by effectively running the end user application while posing as a user or as a user group. *(Hayes: col. 4. lines 25-28 and lines 53-55)*.

- **Regarding claim 11**, Hildebrand, Sekiguchi, and Hayes teach the graphical user interface of claim 10.

Hildebrand further teaches the set of individual users consists of: the set of users who have any access privilege at all for the resource *(Hildebrand: par. 0135; Fig. 5B.1; user A has all access permissions, user B has only open and print permissions, and users in user group C have open, edit, write, and download permissions for the document)*; and the set of users who have accessed the resource in the past although they currently are

without any access privilege for the resource *(Hildebrand: pars. 0073, 0102, and 0135; a system administrator is able to change access privilege of a user at any time using administration interface 506)*.

- **Regarding claim 12**, Hildebrand, Sekiguchi, and Hayes teach the graphical user interface of claim 10.

Hayes further teaches a display region for a normal size, legibly scaled, unabridged representation of the content of the resource *(Hayes: Figs. 13-22; showing one or more display regions; such as a content of resource is displayed on the left panel)*, wherein the display region for representation of the set of users and the display region for representation of the resource appear to the operator as an integrated graphical user interface *(Hayes: col. 18, lines 34-55; Fig. 15; the content of the resource is displayed on the left side pane and the applet permissions 1518; col. 20, lines 37-64; ; Fig. 20-23; the information will be displayed on the right panel of the IBM window and the administrator can create new users and modify and delete existing users, as already discussed, without being in the context of a group or subgroup)*.

- **Regarding claim 28**, Hildebrand, Sekiguchi, and Hayes teach the graphical user interface of claim 10.

Hildebrand further teaches the time of the most recent access by the user *(Hildebrand: pars. 0013-0016)*;

Sekiguchi further teaches the time of the most recent write access by the user *(Sekiguchi: col. 5, lines 14-55; the security management unit 112 executes statistical*

process of the access log 201 to obtain security management information 203 which includes the most recent access to the document); and current privileges the user has for the resource *(Sekiguchi: col. 5, lines 14-55)*.

- **Regarding claim 29**, Hildebrand, Sekiguchi, and Hayes teach the graphical user interface of claim 10.

Hayes further teaches a user is graphically represented by a display element comprising, at least in part, a likeness of the user *(Hayes: col. 14, lines 10-31; Fig. 8; a desktop object uses the applet information to build a folder for the applets and to generate a window displaying the icons and the user friendly name for each applet to which the user has access; Figs. 12-24)*.

- **Regarding claim 30**, Hildebrand, Sekiguchi and Hayes teach the graphical user interface of claim 12.

Hildebrand further teaches the set of users who have any access privilege at all for the resource *(Hildebrand: par. 0135; Fig. 5B.1; user A has all access permissions, user B has only open and print permissions, and users in user group C have open, edit, write, and download permissions for the document)*; and the set of users who have accessed the resource in the past although they currently are without any access privilege for the resource *(pars. 0073, 0102, and 0135; a system administrator is able to change access privilege of a user at any time using administration interface 506)*.

- **Regarding claim 31**, Hildebrand, Sekiguchi, and Hayes teach the graphical user interface of claim 12,

Sekiguchi further teaches graphical representations of users are sorted by one or more of the following attributes: the time of the most recent access by the user *(Sekiguchi: col. 5, lines 14-55; the security management unit 112 executes statistical process of the access log 201 to obtain security management information 203 which includes the most recent access to the document)*;

the time of the most recent write access by the user *(Sekiguchi: col. 5, lines 14-55)*; and

current privileges the user has for the resource *(Sekiguchi: pars. 0013-0016)*.

- **Regarding claim 32**, Hildebrand, Sekiguchi and Hayes teach the graphical user interface of claim 12.

Hayes further teaches a user is graphically represented by a display element comprising, at least in part, a likeness of the user *(Hayes: col. 14, lines 10-31; Fig. 8; a desktop object uses the applet* information *to build a folder for the applets and to generate a window displaying the icons and the user friendly name for each applet to which the user has access; Figs. 12-24)*.

- **Regarding claim 40**, Hildebrand, Sekiguchi, and Hayes teach the graphical user interface of claim 30.

Hayes further teaches a user is graphically represented by a display element comprising, at least in part, a likeness of the user *(Hayes: col. 14, lines 10-31; Fig. 8; a desktop object uses the applet information to build a folder for the applets and to*

generate a window displaying the icons and the user friendly name for each applet to which the user has access; Figs. 12-24).

- **Regarding claim 42**, Hildebrand, Sekiguchi, and Hayes teach the graphical user interface of claim 31.

Hayes further teaches a user is graphically represented by a display element comprising, at least in part, a likeness of the user *(Hayes: col. 14, lines 10-31; Fig. 8; a desktop object uses the applet information to build a folder for the applets and to generate a window displaying the icons and the user friendly name for each applet to which the user has access; Figs. 12-24.*

15. **Claim 41 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Hildebrand, Sekiguchi, and Hayes, as applied to claim 10 above, and further in view of Steinberg (US 2002/0141639).

- **Regarding claim 41**, Hildebrand, Sekiguchi, and Hayes disclose the graphical user interface of claim 40, but does not explicitly disclose the likeness comprises, at least in part, a digital photograph, processed by a method including at least one step selected from the set of: adjusting image color saturation toward a predetermined target saturation level; converting to grayscale; adjusting image brightness toward a predetermined target brightness level; adjusting image contrast toward a predetermined target contrast level; adjusting image sharpness toward a predetermined target sharpness level; and masking with a shape selected from a set comprising ovals and outlines of a bust.

However, Steinberg teaches a method for automated image correction for digital image acquisition wherein the likeness comprises, at least in part, a digital photograph *(Steinberg: par. 0001; method for transforming the colors in a digital image to a color corrected digital image)*, processed by a method including at least one step selected from the set of:

adjusting image color saturation toward a predetermined target saturation level *(Steinberg: par. 0004; pars. 0015-0016)*; converting to grayscale *(Steinberg: par. 0011)*;

converting to grayscale *(Steinberg: par. 0011)*;

adjusting image brightness toward a predetermined target brightness level *(Steinberg: pars. 0012-0014)*;

adjusting image contrast toward a predetermined target contrast level *(Steinberg: pars. 0012-0014)*;

adjusting image sharpness toward a predetermined target sharpness level *(Steinberg: par. 0031)*; and

masking with a shape selected from a set comprising ovals and outlines of a bust *(Steinberg: pars. 0031 and 0044)*.

Therefore, it would have been obvious to an artisan at the time invention were made to combine the teachings of Steinberg with the method of Hildebrand, Sekiguchi, and Hayes in order to provide automated color correction for differenced between the reference colors in a color chart and adjust for brightness and optimum contrast *(Steinberg: par. 0014)*.

Response to Arguments

16. Applicant's representation amended claim 14 to overcome rejection under 35 U.S.C. 101; therefore, the previous rejection is withdrawn.

17. The rejections of claims 1-12, 28-34, and 36-43 under 35 U.S.C. 101 are still maintained because the claims are directed to non-statutory subject matter. Please refer to section 4 above for details.

18. The rejections of claims 1-12, 28-34, and 36-43 under 35 U.S.C. 112, second paragraph are still maintained because the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Please refer to section 6 above for details.

19. Applicants' arguments in the instant Amendment, filed on 06/21/2010, have been fully considered but they are not persuasive.

Applicants' arguments:

a. *"The Haemonetics decision stands for the proposition that an element recited in a claim preamble that provides antecedent basis for an element recited in the body of the claim must be treated as a claim limitation. Thus, there is no legal requirement that the 'visual display unit' be recited as other hardware elsewhere in the claim."*

b. *"File name and file path point to the location of the file but are in no way equivalent to file content. The address of a house does not reveal the nature of the furnishing therein."*

c. *"Neither Hildebrand Fig. 2D nor Fig. 5B. 1 are about, closely related to or showing log information, neither are they about a single digital document. Hildebrand keeps mentioning these settings are applying to many documents, for example per directory."*

d. *"To Applicant's knowledge, a substitute specification has not been required by the Office, hence 37 CFR 1.125 need not be considered in the writing of the amendment."*

e. *"Fully considering all of its preamble, claim 10 is quite specific."*

The Examiner disagrees for the following reasons:

a. In response to applicant's arguments, the recitation "A visual display unit" has not been given patentable weight because the recitation occurs in the preamble. A

preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Claims 1 and 10 call for *"A visual display unit;"* however, there is no hardware elements found within the bodies of the claims. The body of claim 1 recites *"one or more display region for graphical representation;"* and the body of claim 10 recites *"the identity of the individual user," "a differing visual element for indicating," "representation of the time,"* and *"indication;"* In light of the specification *(paragraphs [0029] and [0033]-[0041])*, the aforementioned claimed components/features are implemented in software, which are non-statutory subject matter. Therefore, the claims are directed to non-statutory subject matter. The mere recitation of the machine in the preamble with an absence of a machine in the body of the claim fails to make the claim statutory under 35 USC 101. (See ***In re Bilski,*** Appeal No. 2007-1130; ***Diamond v. Diehr***, 450 U.S. 175, 184 (1981); ***Parker v. Flook***, 473 U.S. 584, 588 n.9 (1978); ***Gottschalk v. Benson,*** 409 U.S. 63, 70 (1972); ***Cochrane v. Deener,*** 94 U.S. 780, 787-88 (1976)). The Examiner respectfully suggests that the claim be further amended to positively recite at least one hardware element to make the claim statutory under 35 U.S.C. 101.

b. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., '*no way equivalent to file content*') are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In fact Barkley does disclose 'content of the resource' *(col. 8, lines 44-65; col. 13, lines 19-60; Figs. 2, 4, and 5; file name and file path are displayed on Role/Group Permission view [resource could be any means such as computer, cabinet, library, book store, folder/directory; wherein file name and file path are contents of folder/directory])*. The Examiner respectfully suggests that the claim be further amended to distinguish the claimed invention over prior art of record.

c. Sekiguchi teaches a security monitoring apparatus based on access log wherein representation of the time of the most recent read access by the user to the resource *(Sekiguchi: col. 5, lines 14-55; the security management unit 112 executes statistical process of the access log 201 to obtain security management information 203 which includes the most recent access to the document; Figs. 3-5 and 7-10)*. The Examiner respectfully suggests that the claim be further amended to distinguish the claimed invention over prior art of record.

d. As recited in 37 CFR 1.121, "In order to delete, replace or add a paragraph to the specification of an application, **the amendment must unambiguously identify**

the paragraph to be modified either by paragraph number (see MPEP § 608.01), page and line, or any other unambiguous method and be accompanied by any replacement or new paragraph(s). Replacement paragraphs must include markings to show the changes. A separate clean version of any replacement paragraphs is not required. Any new paragraphs must be presented in clean form without any markings (i.e., underlining);" (emphasis added). The instructions submitted by the Applicant, wherein "On page 3 exactly before the paragraph reading 'Names used in examples herein are intended to be fictional' and after the **several paragraphs inserted per earlier amendments** please insert the following paragraph;" (emphasis added) is considered ambiguous. It is suggests that the Applicant identifies page and line number for each amendment.

e. As discussed in part a), a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). The Examiner respectfully suggests that limitations recited in the preamble be further recited in the body of the claim to have patentable weight.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH K. PHAM whose telephone number is (571)270-3230. The examiner can normally be reached on Monday to Thursday from 7:30AM to 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doon Y. Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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